



PUBLIC NOTICE

Federal Communications Commission
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DA 16-1031
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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON JAMES NASH
REQUEST FOR WAIVER TO OPERATE WITH AN AUTHORIZED BANDWIDTH GREATER
THAN SIX KILOHERTZ ON FREQUENCY 158.1225 MHZ**

File No. 0007191828

Comment Date: October 4, 2016
Reply Comment Date: October 14, 2016

James Nash, on behalf of Cedar Grove Farm, filed the above-referenced application and request for waiver of section 90.35(c)(33) of the Commission's Rules¹ seeking authority to operate on frequency 158.1225 MHz with a bandwidth exceeding six kilohertz.² We seek comment on the waiver request.

Nash operates conventional Industrial/Business Pool Station WPMS844 with base stations in Virginia and Maryland. He states that Cedar Grove Farm has operations from Richmond to Baltimore, and recently made a substantial investment to upgrade the aging VHF radio system that it uses to conduct its business and protect the safety of its employees. After a problem was encountered with one of the new channels, Cedar Grove Farm had difficulty finding an available replacement frequency due to the proximity to the Washington, D.C., region. Frequency 158.1225 MHz eventually was identified, but section 90.35(c)(33) limits operation on that frequency to an authorized bandwidth of six kilohertz. In order to be compatible with the Cedar Grove Farm system, Nash seeks to operate with 11K2F3E and 8K10F1E emissions. Consequently, Nash seeks a waiver of section 90.35(c)(33). Nash asserts that the proposed use will not cause harmful interference to other spectrum users.

We seek comment on Nash's request. Commenters should address whether the public interest would be served by granting a waiver to allow Nash to operate system using frequency 158.1225 MHz with an authorized bandwidth greater than six kilohertz. In particular, we seek comment from parties whose operations could be impacted by grant of the waiver.

Procedural matters

Pursuant to section 1.925 of the Commission's rules, 47 CFR § 1.925, interested parties may file comments and reply comments on or before the dates indicated on the first page of this *Public Notice*. All comments and reply comments should reference the subject Waiver Request and the DA number indicated on this *Public Notice*. Comments may be filed: (1) electronically by accessing the applicant's

¹ See 47 CFR § 90.35(c)(33).

² See File No. 0007191828 (filed Mar. 17, 2016, amended Mar. 18, May 23, and July 13, 2016), Request for a waiver to operate with an authorized bandwidth greater than 6 kHz on frequency 158.1225 for license WPMS844.

file number(s) in the Commission's Universal Service Licensing System (ULS),³ or (2) by filing paper copies.

- Electronic Filers: Pleadings may be submitted electronically as follows:

From the ULS website at <http://wireless.fcc.gov/uls/>, begin the process of submitting a pleading by clicking on the "ULS Pleadings" link in the menu on the lower left side of the ULS web page. The link will take you to the "*Pleading Information*" screen for "Non-docketed Pleadings" where you select "Reply" in the drop-down window for the type of pleading and then enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: "*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*" Click on "CONTINUE".

The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign. Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you must enter each File Number or Call Sign as appropriate. After clicking the "SUBMIT" button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.

The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The "BROWSE" button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the "ADD ATTACHMENT" button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also have the opportunity to delete any selected file from the pleading.

Finally, to complete your electronic pleading submission, click on the "SUBMIT PLEADING" button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application and License Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2, or (888) 225-5322 and select Option 2, or (717) 338-2888. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to FCC ULS Customer Support Center are recorded.

³ See "Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings," *Public Notice*, 21 FCC Rcd 424 (WTB 2006). See http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf.

- Paper Filers: Parties who choose to file by paper must submit an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** The Commission's former filing location at 236 Massachusetts Avenue, NE is permanently closed.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

The application, waiver request, and comments and reply comments can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the Waiver Request, comments and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, DC 20554. Copies may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554. Customers may contact BCPI through its web site, <http://www.bcpweb.com>, by email at fcc@bcpweb.com, by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563.

Because of the policy implications and potential impact of this proceeding on persons not party to the Application, it is in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See sections 1.1200(a) and 1.1206 of the Commission's rules, 47 CFR §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed, but must be disclosed in accordance with the requirements of section 1.1206(b) of the Commission's rules, 47 CFR § 1.1206(b).

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Mr. Melvin Spann of the Wireless Telecommunications Bureau at (202) 418-1333 (voice), (202) 418-7233 (TTY), or via e-mail to Melvin.Spann@fcc.gov.

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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